

**Assembly Bill No. 217**

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Passed the Assembly June 2, 2009

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*Chief Clerk of the Assembly*

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Passed the Senate September 2, 2009

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*Secretary of the Senate*

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This bill was received by the Governor this \_\_\_\_\_ day  
of \_\_\_\_\_, 2009, at \_\_\_\_\_ o'clock \_\_\_\_M.

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*Private Secretary of the Governor*

## CHAPTER \_\_\_\_\_

An act to add Article 5.4 (commencing with Section 14180) to Chapter 7 of Part 3 of Division 9 of the Welfare and Institutions Code, relating to Medi-Cal.

## LEGISLATIVE COUNSEL'S DIGEST

AB 217, Beall. Medi-Cal: alcohol and drug screening and brief intervention services.

Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Care Services, under which qualified low-income individuals receive health care services.

This bill would establish the Medi-Cal Alcohol and Drug Screening and Brief Intervention Services Program, which would be administered by the department, in consultation with the State Department of Alcohol and Drug Programs, for the purpose of increasing the state's ability to make available alcohol and drug screening and brief intervention services to Medi-Cal beneficiaries who are pregnant women or women of childbearing age by authorizing a public entity, as defined, to provide or contract for these services for Medi-Cal beneficiaries who are pregnant women or women of childbearing age. The bill would require the department to administer the program in accordance with federal certified public expenditure requirements in certifying that a claimed expenditure for alcohol and drug screening and brief intervention services is eligible for federal financial participation. This bill would require the nonfederal share of expenditures submitted to the federal Centers for Medicare and Medicaid Services for purposes of claiming federal financial participation for services provided pursuant to the program to be comprised of only those funds that are paid by a public entity and certified in accordance with federal certified public expenditure requirements. The bill would require the department to promptly seek any necessary federal approvals for the implementation of the program.

The bill would provide that participation in the program would be voluntary for a qualifying Medi-Cal beneficiary. The bill would also require the fact of whether a beneficiary participates in the

program, and the results of any screening done under the program, to be maintained in the beneficiary's confidential medical records, as provided.

*The people of the State of California do enact as follows:*

SECTION 1. The Legislature finds and declares all of the following:

(a) Screening and brief intervention for alcohol and other drug abuse, in emergency rooms, primary care centers, clinics, and other settings, have been demonstrated to be valuable and effective tools in the prevention, interruption, and treatment of alcohol and other drug abuse.

(b) Alcohol and drug screening and brief intervention services should be readily available to patients in emergency rooms, primary care centers, clinics, and other appropriate settings.

(c) A Medi-Cal beneficiary eligible for alcohol and drug screening and brief intervention services should not be discriminated against based on his or her type of coverage.

(d) The use of available federal and other funds to support the delivery of alcohol and drug screening and brief intervention services should be maximized.

SEC. 2. Article 5.4 (commencing with Section 14180) is added to Chapter 7 of Part 3 of Division 9 of the Welfare and Institutions Code, to read:

Article 5.4. Medi-Cal Alcohol and Drug Screening and Brief Intervention Services Program

14180. This article shall be known, and may be cited, as the Medi-Cal Alcohol and Drug Screening and Brief Intervention Services Program.

14180.1. For purposes of this article, the following definitions shall apply:

(a) "Department" means the State Department of Health Care Services.

(b) "Public entity" means a county, or other local governmental entity designated by the department, that elects to provide or contract for alcohol and drug screening and brief intervention

services for Medi-Cal beneficiaries who are pregnant women or women of childbearing age pursuant to this article.

14180.2. (a) The Medi-Cal Alcohol and Drug Screening and Brief Intervention Services Program is hereby established.

(b) The department, in consultation with the State Department of Alcohol and Drug Programs, shall administer the program for the purpose of increasing the state's ability to make available alcohol and drug screening and brief intervention services for Medi-Cal beneficiaries who are pregnant women or women of childbearing age.

14180.3. (a) The department shall administer this article in accordance with the certified public expenditure requirements described in Section 433.51 of Title 42 of the Code of Federal Regulations, or any successor thereto, in certifying that the claimed expenditures for alcohol and drug screening and brief intervention services for Medi-Cal beneficiaries who are pregnant women or women of childbearing age are eligible for federal financial participation. The department shall do all of the following in accordance with administering this provision:

(1) Provide evidence supporting the certification, as specified by the department.

(2) Submit data, as specified by the department, to determine the appropriate amounts to claim as expenditures qualifying for federal financial participation.

(3) Keep, maintain, and have readily retrievable, any records specified by the department to fully disclose reimbursement amounts to which the eligible public entity is entitled, and any other records required by the federal Centers for Medicare and Medicaid Services.

(b) The nonfederal share of expenditures submitted to the federal Centers for Medicare and Medicaid Services for purposes of claiming federal financial participation shall be comprised of only those funds that are paid by a public entity, as defined in subdivision (b) of Section 14180.1, and certified in accordance with subdivision (a).

(c) In administering this article, the department shall do all of the following:

(1) Promptly seek any necessary federal approvals for the implementation of this article.

(2) Submit claims for federal financial participation for the expenditures for the services described in subdivision (a) that are allowable expenditures under federal law.

(3) Submit, on an annual basis, any necessary materials to the federal government to provide assurances that claims for federal financial participation will include only those expenditures that are allowable under federal law.

(4) Create an appropriate mechanism to enable a public entity to pay the nonfederal share of the cost of providing services pursuant to this article.

(d) Upon receipt of federal reimbursement for the claim, including federal matching funds, the department shall provide the reimbursement to the public entity for which the claim was submitted.

(e) The department may implement, interpret, and make specific this article by means of all-county letters, provider bulletins, and similar instructions.

(f) Participation in the screening and intervention program established pursuant to this article shall be voluntary for a Medi-Cal beneficiary. Participation in the program, and results of the screening, shall be maintained in the beneficiary's confidential medical records, and subject to all confidentiality requirements applicable to medical records.

(g) It is the intent of the Legislature, in enacting this section, to provide the alcohol and drug screening and brief intervention services to Medi-Cal beneficiaries who are pregnant or who are women of childbearing age without the expenditure of moneys from the General Fund.

(h) A public entity that participates in the program established pursuant to this article shall, upon receiving federal financial participation for certified public expenditures made for alcohol and drug screening and brief intervention services, reimburse the state for any costs of creating and administering the program.

(i) A public entity shall, as a condition of receiving federal financial participation for certified public expenditures made for alcohol and drug screening and brief intervention services for a Medi-Cal beneficiary who is pregnant or who is a woman of childbearing age, enter into, and abide by, an agreement with the department regarding the implementation of this section and

reimbursement to the department for the department's costs for administering this section.

14180.4. This article shall be implemented only if, and to the extent that, federal funds are available for this purpose.



Approved \_\_\_\_\_, 2009

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*Governor*